

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DANTE R. VOSS,

Plaintiff,

v.

ROBERT MIELKE, et al.,

Defendants.

ORDER

Case No. 18-cv-540-jdp

Plaintiff Dante R. Voss has filed a proposed civil complaint and requests leave to proceed without prepaying the filing fee. To evaluate plaintiff's request to proceed with prepayment of the filing fee, I must review a certified copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(a)(2).

Plaintiff has asserted that he is unable to obtain a trust fund account statement and has filed a motion to order the institution to use release account funds to pay for a certified copy of his trust account statement. Dkt. 3. With the exception of an initial partial payment, this court does not have the authority to tell state officials whether, and to what extent, a prisoner should be able to withdraw money from a release account. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). Therefore, I will deny plaintiff's motion.

Plaintiff may have until August 15, 2018, to either submit a certified trust fund account statement or provide documentation that shows the steps he has taken to request a certified trust fund account statement from the institution's business office and the denial of his request.

ORDER

IT IS ORDERED that:

1. Plaintiff Dante R. Voss's motion to use his release account funds to pay for a certified copy of his trust fund account statement, dkt. 3, is DENIED.

2. Plaintiff may have until August 15, 2018, to submit a certified trust fund account statement or provide documentation that shows the steps he has taken to request a certified trust fund account statement from the institution's business office and the denial of his request.

3. If by August 15, 2018, plaintiff fails to submit a certified trust fund account statement or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing this case at a later date.

Entered this 19th day of July, 2018.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge